

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jack C. H. Chung et al.
Serial No.: 10/055,098
Filing Date: January 22, 2002
Group Art Unit No. 3623
Confirmation No. 8102
Title: **INTEGRATED DECISION SUPPORT FRAMEWORK
FOR COLLABORATIVE PRODUCT DEVELOPMENT**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicants respectfully request reconsideration of the rejection of all claims in the Application.

REMARKS

In the prosecution of the present Application, the PTO's rejections and assertions contain clear errors of law. Most notable of the legal errors present in the examination of the Application is a failure of the Final Office Action to establish a *prima facie* rejection of the claims in the application under 35 U.S.C. §§ 102 or 103. The Final Office Action rejected Claims 1-3, 5, 9, 11-14, 16, 20 and 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No 6,102,958 issued Meystel et al. ("*Meystel*") and Claims 4, 6-8, 10, 15, 17-19 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Meystel* in view of U.S. Patent No. 6,826,541 issued to Johnston, et al. ("*Johnston*"). However, these rejections fail to meet the required *prima facie* standard for rejections for at least the reasons set forth below.

Claim 1 is allowable at least because *Meystel* does not teach or suggest "converting a second plurality of said received decision inputs to a plurality of mathematical representations." As discussed in Applicants' response mailed September 14, 2006 at pages 14-15,¹ at best, *Meystel* is a process control system that "acquires system data and stores the data in a multiresolutional data structure." See *Meystel*, Column 3, lines 5-6. At no point does *Meystel* convert the acquired system data to mathematical representations. In fact, *Meystel* explicitly states, in several places, that mathematical representations are not used. See *Meystel*, Column 3, lines 1-5, and Column 21, lines 59-63. For example, *Meystel* describes the process control system at Column 8, lines 35-40 as "able to integrate information from diverse sources or subsystems . . . **without using models or equations**" (emphasis added).

In response, the Final Office Action contends on Page 8 that *Meystel* discloses "a finite set of information assembled in association with search and retrieval algorithms" and "wherein the module comprises means for extraction of data, the extraction comprising standard algorithm," but these arguments are misplaced. Merely searching and extracting data from a data structure using algorithms is not the same thing as "converting a second plurality of said received decision inputs to a plurality of mathematical representations," as recited by Claim 1.

Claim 1 is allowable also at least because *Meystel* does not teach or suggest "decomposing said converted first plurality of said received decision inputs and said

¹ It is noted in the OG Notice at <http://www.uspto.gov/web/offices/com/sol/og/2005/week28/patbref.htm> that "Applicants are encouraged to refer to arguments already of record rather than repeating them in the request." Accordingly, Applicants refer here to, and summarize, the previous arguments rather than reciting them explicitly.

converted second plurality of said received decision inputs to a plurality of sub-problems.” The Final Office Action asserts that Column 9, lines 37-40 of *Meystel* discloses these limitations, but the Final Office Action is again incorrect. Specifically, the Final Office Action alleges that “the organizational subsystem 20 organizes information for use by modeling system 22.” See *Final Office Action*, Page 8. However, organizing information is not the same thing as decomposing **converted inputs** to **sub-problems**. Conspicuously absent from the Final Office Action’s allegation is any mention of sub-problems. Applicants respectfully submit that this omission is not coincidental because, as described above, *Meystel* does not use sub-problems or mathematical representations. Again, at best *Meystel* is a decision processor that simply integrates data into a data structure, but does not disclose “decomposing said converted first plurality of said received decision inputs and said converted second plurality of said received decision inputs to a plurality of sub-problems,” as recited by Claim 1.

For at least these reasons, Claim 1 is allowable as are all the claims depending therefrom. In addition, Claims 11, 12, and 22 are each allowable for analogous reasons, as are the claims depending therefrom. Favorable action is requested.

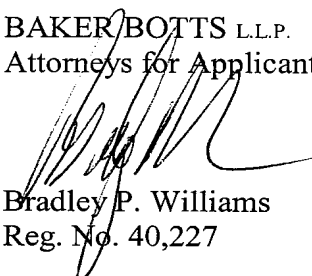
CONCLUSION

As a *prima facie* rejection has not been established against Applicants' claims, Applicants respectfully request a finding of allowance of all claims in the Application.

To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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